

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:10-CV-00166-RLV-DSC**

STEPHEN G. STERNER,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Defendant, Commissioner Michael J. Astrue, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings. (Doc. 23.)

Upon remand to the Commissioner, the Administrative Law Judge (“ALJ”) will be instructed (1) to develop further whether Plaintiff engaged in substantial gainful activity in 2004 and 2005, and (2) to address the issue of past relevant work in consideration of the substantial gainful activity performed by Plaintiff in 2006. If the record establishes the presence of significant limitations in Plaintiff’s ability to perform his past relevant work, supplemental evidence from a vocational expert is to be obtained.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), the Court hereby **GRANTS** Defendant's Motion for Reversal and Remand (Doc. 23), and **REVERSES** the Commissioner's decision with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: January 6, 2012

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is fluid and cursive, with the first name "Richard" and last name "Voorhees" clearly legible.

Richard L. Voorhees
United States District Judge

